UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,932	12/26/2001	Maurico Lopez	BS01-320	6440

			EXAMINER
28970	7590	10/06/2004	RAMPURIA, SATISH

SHAW PITTMAN
IP GROUP
1650 TYSONS BOULEVARD
SUITE 1300
MCLEAN, VA 22102

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/025,932	LOPEZ ET AL.
	Examiner	Art Unit
	Satish S. Rampuria	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 December 2001.*

2a)☐ This action is **FINAL.**　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the application filed on 12/26/2001.

2.   Claims 1-24 are pending.

Specification

3.   The use of the trademark "Java" has been noted in this application. It should be

appropriate or proper term (see MPEP 608.01(v)) used, wherever it appears and be

accompanied by the generic terminology. Although the use of trademarks is permissible

in patent applications, the proprietary nature of the marks should be respected and every

effort made to prevent their use in any manner which might adversely affect their validity

as trademarks.

Appropriate correction is required

Claim objections

4.   Claims 7 and 23 are objected to because of the following informalities:

Regarding claim 7 and 23, the use of trademark "Java" has been noted. It should be

appropriate or proper term (see MPEP 608.01(v)) used, wherever it appears and be accompanied

by the generic terminology. Although the use of trademarks is permissible in patent applications,

the proprietary nature of the marks should be respected and every effort made to prevent their

use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required.

Claim Rejections - 35 USC § 112, second paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claim 1, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Clarification and/or correction are required.

Regarding, claim 1, page 12 line 9, the limitation, "additional detailed information" is unclear

as to what additional information is obtained by the user.

Claim 13 has the similar limitation to those in claim 1 with respect to "additional detailed

information" recited on page 14, line 2.

Claim 14 has the similar limitation to those in claim 1 with respect to "additional detailed

information" recited on page 14, line 8.

The rejection of the base claim is necessarily incorporated into the dependent claims.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if

the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1, 2, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 are rejected

under 35 U.S.C. 102 (e) as being anticipated by US Publication No. 2002/0174174 to

Ramraj et al. (hereinafter called Ramraj).

Per claims 1, 6, and 14:

Ramraj disclose:

-   A system for analyzing a computer application while it is executing without terminating

    or interrupting the application (page 1, paragraph 7 "monitoring a transaction executing

    on a network computer"), comprising:

-   an application that is executing to be analyzed (page 1, paragraph 21 "simplify
    application... across networks, including the Internet");
-   an administration client (page 1, paragraph 7 "a network computer");

-   an object shell console executing on the administration client (page 1, paragraph 7

    "transaction executing on a network computer"), the object shell console connected to the

    application (page 1, paragraph 7 "transaction executing on a network computer") so that

    it can extract information from the application (page 1, paragraph 11 "transaction

    execution data associated with the executing transaction is captured (extracted) by the

    monitoring function") without interrupting the application or causing the application to

    terminate (page 1, paragraph 6 "monitoring... accomplished without interfering with the

    actual transaction"); and

-   a graphical user interface presented by the object shell console for presenting at least a

    portion of the extracted information to the user and allowing the user to obtain additional

    detailed information (page 1, paragraph 7 "web page includes at least on block of

processing code for executing a transaction... updating the web page... function for

monitoring the transaction").

Per claims 2 and 17:

The rejection of claim 1 is incorporated, and further, Ramraj disclose:

- wherein the extracted information includes methods invoked by the application (page 1,

   paragraph 10 "Invoking the monitoring code file includes capturing data associated with

   the execution of the transaction").

Per claims 4, 5, 15, and 16:

The rejection of claim 1 is incorporated, and further, Ramraj disclose:

- wherein the object shell console determines a number of time a selected method is

   invoked (page 1, paragraph 10 "transaction data... include one or more data items

   selected from a list consisting... start and stop time").

Per claims 8, 9, and 13:

Ramraj disclose:

- A method for analyzing a computer application while it is executing (page 1, paragraph 7

   "monitoring a transaction executing on a network computer"), comprising the steps of:

- connecting an object shell console to an executing computer application (page 1,

   paragraph 7 "transaction executing on a network computer");

- extracting information from the computer application (page 1, paragraph 11 "transaction

    execution data associated with the executing transaction is captured (extracted) by the

    monitoring function") without interrupting or terminating the computer application (page

    1, paragraph 6 "monitoring... accomplished without interfering with the actual

    transaction"); and

- displaying the information to a user in a graphical user interface (page 1, paragraph 7

    "web page includes at least on block of processing code for executing a transaction...

    updating the web page... function for monitoring the transaction").

Per claims 11, 12, 18, and 19:

Ramraj disclose:

- displaying at least one class in the graphical user interface (page 1, paragraph 7 "web

    page includes at least one block of processing code"); and

- displaying at least one method corresponding to at least one of the at least one classes

    (page 1, paragraph 9 "applet includes at least one link to a monitoring code file").

    Although, Ramraj teach display the information via web page. Ramraj is silent on
displaying the information in according to a hierarchy. However, this feature deemed to be
inherent to the Ramraj system, Ramraj system shows displaying information via a web page on
page 1, paragraph 7 and paragraph 9. Ramraj system would in inoperative if the method is not
invoked for the execution via a browser.

Per claims 20, 21, and 22:

Ramraj disclose:

- A system for analyzing a computer application in real-time (page 1, paragraph 7 "monitoring a transaction executing on a network computer"), comprising:

- an application server on which one or more computer applications is executing (page 1, paragraph 21 "simplify application... across networks, including the Internet"), one of the one or more computer applications being a computer application to be analyzed (page 1, paragraph 21 "simplify application... across networks, including the Internet");

- an administration client (page 1, paragraph 7 "a network computer");

- an object shell console executing on the administration client (page 1, paragraph 7 "transaction executing on a network computer") that can attach to the application to be analyzed (page 1, paragraph 7 "transaction executing on a network computer") to extracted information from the application to be analyzed (page 1, paragraph 11 "transaction execution data associated with the executing transaction is captured (extracted) by the monitoring function"); and

- a graphical user interface in which the information from the application to be analyzed is displayed to a user (page 1, paragraph 7 "web page includes at least on block of processing code for executing a transaction... updating the web page... function for monitoring the transaction").

Substantially as claimed.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 3, 10, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ramraj in view of US Publication No. US 2002/0046273 to Lahr et al. (hereinafter called

Lahr).

Per claim 3:

The rejection of claim 1 is incorporated, and further, Ramraj does not explicitly disclose wherein

the extracted information includes variables names and variable values used in the application.

However, Lahr discloses in an analogous computer system the extracted information

(page 6, paragraph 62 "certain parameters... have to be extracted") includes variables names and

variable values used in the application (page 5, paragraph 50 "extracts appropriate parameters

from the packet" and page 2, paragraph 25 "retrieving values for variables").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the method of extracting information includes variables

and values as taught by Lahr into the method of monitoring the execution of a transaction as

taught by Ramraj. The modification would be obvious because of one of ordinary skill in the art

would be motivated to extract information to provide data analysis in a multi-tiered network

devices as suggested by Lahr (page 2, paragraph 11).

Per claims 10 and 24:

The rejection of claim 8 and 20 respectively, is incorporated, and further, Ramraj disclose:

-    number of times a selected method is invoked, an execution time of a selected method

and a class (page 1, paragraph 10 "transaction data... include one or more data items

selected from a list consisting... start and stop time").

Ramraj does not explicitly disclose extracting one or more of a variable name, a variable value,

an argument name, an argument value.

However, Lahr discloses in an analogous computer system the extracting one or more of

a variable name (page 6, paragraph 62 "certain parameters... have to be extracted"), a variable

value, an argument name, an argument value (page 5, paragraph 50 "extracts appropriate

parameters from the packet" and page 2, paragraph 25 "retrieving values for variables").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the method of extracting information includes variables

and values as taught by Lahr into the method of monitoring the execution of a transaction as

taught by Ramraj. The modification would be obvious because of one of ordinary skill in the art

would be motivated to extract information to provide data analysis in a multi-tiered network

devices as suggested by Lahr (page 2, paragraph 11).

10.   Claims 7 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramraj

in view of US Patent No. 6,687,702 to Vaitheeswaran et al. (hereinafter called

Vaitheeswaran).

Per claims 7 and 23:

The rejection of claims 6 and 22 respectively, is incorporated, and further, Ramraj does not

explicitly disclose the thread is created using Java RMI.

However, Vaitheeswaran discloses in an analogous computer system the thread is created using Java RMI (col. 10, lines 33-34 "The Java client(s) 310 invokes a RMI (remote method invocation) call" and col. 10 lines 46-48 "The entire task of invoking the JDBC call (and therefore the corresponding JDBC driver) occurs within one or more threads that are executing at the EJB server 320" also, fig. 3 and related discussion).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of creating thread using JAVA RMI as taught by Vaitheeswaran into the method of monitoring the execution of a transaction as taught by Ramraj. The modification would be obvious because of one of ordinary skill in the art would be motivated to use JAVA RMI to create thread in network communication between multi-tier database system to provide high speed communication as suggested by Vaitheeswaran (col. 5, lines 10-22).

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **703-305-8891**. The examiner can normally be reached on **8:30 am to 5:00 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on **(703) 305-9662**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner
Art Unit 2124
09/30/2004

ANIL KHATRI
PRIMARY EXAMINER